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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,787	10/17/2003	Pedro A. Szenté	IPVMBP01	9853

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IPVENTURE, INC.
5150 EL CAMINO REAL
SUITE A-22
LOS ALTOS, CA 94022

EXAMINER

WIMER, MICHAEL C

ART UNIT PAPER NUMBER

2828

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,787

Applicant(s)

SZENTE ET AL.

Examiner

Michael C. Wimer

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/17 & 7/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,9-13,16,18-21 and 23-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraus (2270314).

Regarding Claims 1-5,9-13,18,28-37, Kraus shows a corner reflector antenna designed to enhance antenna directivity, defined as a three dimensional structure/shape in Figure 6 shows the hinge at the apex of the reflector structure 13 in order to allow it to be collapsed and for all practical purposes, without the requirement of having space between them, when collapsed. The directivity of the radiation beam is shown in Figures 1 and 5. A skilled artisan would have found it obvious to change the direction of the directivity as desired in order to receive the maximum signal strength or null any interfering signal. Regarding Claim 2, the reflector of Kraus comprises two other surfaces, or boom surfaces 15 above or below the two reflecting surfaces 13. Regarding Claims 11 and 12, the specific dimensions and weight of the antenna is determined by the materials used and frequency of operation (where higher frequencies would result in a smaller structure), and thus, the skilled artisan recognizes such parameters as obvious in the antenna art. Regarding Claims 19-21,26 and 27 the antenna is

used to communicate and is calibrated with another antenna. Point-to-point communication with antennas is obvious to the skilled artisan. Regarding Claims 23-25, antennas are routinely used in wireless networking with a router, a wireless card and are employed within devices, such as a radio or radome. A skilled artisan, in the antenna art recognizes such obvious "uses" for antennas. The antenna has a feed port. The aperture provides the side or open side of the antenna.

3. Claims 14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraus (2270314) as applied to claim 1 above, and further in view of Winegard (3329960).

No curve appears to be taught in Kraus. Winegard is cited as resulting the level of ordinary skill in the antenna art and shows, essentially curved elements to form a parabolic antenna. It would have been obvious to the skilled artisan to employ curved elements in Kraus for defining the beam, such as a narrow collimated one.

4. Claims 1,17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozakoff (6115003).

Regarding Claims 1,17 and 22, Kozakoff shows an inflatable antenna comprising a directivity enhancer or reflector 3 connected to a base 2, where the reflective surface 3 is formed of a plastic material able to be collapsed. A skilled artisan would have found it obvious that the material 3 is flexible to the extent that when depressurized, the material is collapsed on to the base 2 and essentially has no

space between them. As to Claim 22, the feed horn antenna 8 is not visible behind the reflector 3.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, the language, "not required to have any space in between them" is not at all clear for at least two reasons.

1) What is meant that the surfaces are not required to have space between them? Does this imply there is definitely no space when the invention is in use?

2) It is not seen how any type of structure, as disclosed, cannot have a space between them. Applicant should set forth what structures, by way of the figures of drawing, show, illustrate or explain how there is no space between the surfaces, particularly since the structures are connected at one end to each other.

In Claims 1,2,17,28 etc., the term "can be" is used in the sense that the interrelated elements "can be flexibly collapsed...", for example, without a definite distinction between what is in use and perhaps disassembled. For example, any device may be taken apart in order to be flexibly collapsed as claimed without positively reciting the clear interrelationship of the inventive structure.

A similar situation occurs in Claim 2 where surfaces "can be" relative to each other. It is not clear, however, if the surfaces are arranged in use, storage, or in the adjustability of the inventive device. A similar situation arises in Claim 17 when the device is inflated or not.

Allowable Subject Matter

7. Claims 6-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wimer whose telephone number is (571) 272-1833. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun O. Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Michael C. Wimer". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Wimer".

Michael C. Wimer
Primary Examiner
Art Unit 2828

MCW
2/2/2005